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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001516

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SUBJECT: REVISED ELECTION CODE MOVING FORWARD, FINALLY

Classified By: Pol/Econ chief Steve Banks, reasons 1.4 (b,d)

11. (C) SUMMARY: Armenia passed its revised election code through its first reading October 26, a small positive step. The draft can still be modified before final passage. OSCE/ODIHR and the Council of Europe Venice Commission (CoE/VC) provided a detailed joint commentary on the draft bill. The two organizations have also helped by including--at our request--in its latest letter to the parliament speaker the point that further international review of the legislation would be inappropriate. The local OSCE chief of mission made this point even more pointedly to the speaker, as had US OSCE Ambassador Finley during her recent visit (septel). We hope this will deter the speaker from his plans to send the latest draft back to ODIHR and CoE/VC for another round of deliberation, further delaying final enactment. The speaker's latest forecast was that final passage of the revised code would come in mid-December. Our message to the GOAM in recent weeks has been "just get it done." END SUMMARY.

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JUST PASS SOMETHING!  
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12. (C) The National Assembly overwhelmingly passed the draft election code revisions October 26 on its first reading, with 84 votes in favor, 6 against, and 4 abstentions. The draft code requires two more readings to be enacted into law. Parliament Speaker Tigran Torosian told us recently that final passage would come during the parliament's regular session in mid-December. He said that earlier passage of the bill was impossible because it was necessary (in his view) to send the draft law, after passing its first reading, back to OSCE/ODIHR and CoE/VC for another round of review and comment before the National Assembly moved the draft through to final passage. He further pointed out that parliament would be consumed with passing the national budget bills throughout the month of November. Torosian blamed his predecessor in the speakership, the now-opposition party leader Artur Baghdissarian, for frittering away the first half of 2006 and failing to get the election code revisions on track. NOTE: Baghdissarian's failings aside, Torosian is not a speedy legislative manager. As Deputy Speaker Vahan Hovannisian (of the ARF-Dashnaktsutyun party) wryly commented to us, "Torosian can spend four hours deciding about a comma." END NOTE

13. (C) We met with the ODIHR/CoE technical assesment team which visited earlier this month to assess Armenia's progress on election preparations. Our key message to the team was that they include in their upcoming letter on their findings the point that speed is of the essence, and that there's neither need nor time for ODIHR or CoE/VC to re-reveiw the

National Assembly's latest round of tinkering to the draft legislation. Though tentative at the time, the team seems to have taken our message. The letter which they sent this week to Speaker Torosian reiterates a handful of quibbles they continue to have with Armenia's draft law, but concludes: "We encourage the National Assembly of the Republic of Armenia to expedite the process of concluding the amendments to the electoral code in view of the upcoming parliamentary elections in 2007. The Venice Commission and the OSCE/ODIHR have on several occasions expressed their Joint Opinion on the electoral code and the proposed draft amendments. We refer to these Opinions and believe that they provide sufficient commentary to the members of the National Assembly of the Republic of Armenia to enable them to complete the amendment process." The letter, which was co-signed by ODIHR Ambassador Christian Strohal and Venice Commission Secretary Gianni Buquicchio, also makes the helpful point that "good faith implementation of the electoral legislation and political will remain crucial for the conduct of elections..."

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THE CLOCK IS TICKING  
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14. (C) For some time now, we have made the point to appropriate officials that Armenia has reached a point on the calendar where it has become more important to get something enacted than to draft the perfect law. The National Assembly has promised all year that it would enact a major package of revisions to its Election Code, in response to a raft of domestic and international criticisms (especially OSCE/ODIHR and CoE/VC). The draft bill that parliament has just passed through its first (of three) readings answers some, but not all of those criticisms. Though the bill is certainly not

YEREVAN 00001516 002 OF 002

perfect, it is in our judgement "good enough" to be the basis for clean elections, if the political will to do so is there.

15. (C) There is a great deal of work to be done between now and election day, which cannot be meaningfully started until everyone knows what rules and procedures will be enshrined in the new election code. The Central Election Commission must develop implementing regulations and policies in compliance with the revised law, it must train thousands of pollworkers in the new rules, and print appropriate materials. Political parties, NGOs, and international donors must likewise train election observers in the new rules. Large portions of our election assistance program remain in a holding pattern until the final revisions to the election code are enacted and everyone knows what we have to work with, in terms of a legal framework.

16. (C) COMMENT: The benign interpretation of the legislative delays is that Speaker Torosian and his fellow parliament deputies are immersed in the legislative process, and are inadequately sensitized to the magnitude of work that the Central Election Commission and myriad others have to do that cannot be done until the law is passed. Torosyan is a perfectionist and a legislative technocrat, who takes very seriously (arguably micromanages) the legislative process, and is fully prepared to argue each word of the fine print. He also seems determined to ensure that neither he nor his parliament will be accused of poor work by the international community. The less benign interpretation is that Torosyan--presumably on instructions from senior executive branch officials--may be outright stalling. The ruling powers may well have calculated that it suits their political interests for the electoral rules of the game to remain unsettled until late in the process. The confusion arising from hurried, eleventh-hour preparations and inadequate training of both pollworkers and observers might, in this view, be more conducive to hiding and/or making excuses for election day shenanigans. We continue to push the speaker and other GOAM officials on this issue. If his intentions are

honest, we may convince him of the need for speed.  
Otherwise, we have at least clearly warned the government it  
is behind schedule.  
GODFREY